

Agricultural Marketing Service, USDA

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furnished by the respective area committee and shall contain such information as the respective area committee, with the approval of the Secretary, may find necessary in making a determination regarding the issuance of such waiver.

[55 FR 41181, Oct. 10, 1990]

§ 948.141 Issuance.

Each respective area committee shall give prompt consideration to each application for a waiver from reinspection. In granting a waiver, the handler shall agree to comply with all marketing order requirements. Approval of an application shall be evidenced by the issuance of an applicable waiver by the respective area committee to the handler.

[55 FR 41181, Oct. 10, 1990]

§ 948.142 Reports.

Each handler shipping potatoes pursuant to a waiver from reinspection shall report periodically as specified by the respective area committee on forms furnished by the respective committee the following information on each shipment: quantity of potatoes, variety or varieties, grade, size, type of container(s), date of shipment, carrier, destination, and name and address of receiver.

[55 FR 41181, Oct. 10, 1990]

§ 948.143 Cancellation.

Whenever the respective area committee finds that shipments of potatoes pursuant to a reinspection waiver are not in accordance with the established application and safeguard provisions, such waiver may be cancelled.

[55 FR 41181, Oct. 10, 1990]

§ 948.150 Reestablishment of committee membership.

Pursuant to § 948.53, membership on each area committee shall be reestablished as follows:

(a) Area No. 2 (San Luis Valley): Nine producers and five handlers selected as follows:

- (1) Two (2) producers from Rio Grande County;
- (2) Two (2) producers from either Saguache County or Chaffee County;

- (3) One (1) producer from Conejos County;
- (4) Two (2) producers from Alamosa County;
- (5) One (1) producer from all other counties in Area No. 2;
- (6) One (1) producer representing certified seed producers in Area No. 2;
- (7) Two (2) handlers representing bulk handlers in Area No. 2;
- (8) Three (3) handlers representing handlers in Area No. 2 other than bulk handlers.

(b) *Area No. 3:* Three producers and two handlers selected as follows: Three (3) producers and two (2) handlers from any county in Area No. 3.

[52 FR 12515, Apr. 17, 1987, as amended at 58 FR 8541, Feb. 16, 1993; 60 FR 16566, Mar. 31, 1995; 67 FR 68021, Nov. 8, 2002; 68 FR 40119, July 7, 2003]

§ 948.151 Colorado Potato Committee membership.

The Colorado Potato Committee shall be comprised of six members and alternates selected by the Secretary. Three members and three alternates shall be selected from nominations of Area 2 committee members or alternates, and three members and three alternates shall be selected from nominations of Area 3 committee members or alternates.

[57 FR 61774, Dec. 29, 1992]

§ 948.153 Reestablishment of area.

Pursuant to § 948.53, Area No. 2 is reestablished as follows:

Area No. 2 (San Luis Valley) includes and consists of the counties of Chaffee, Saguache, Huerfano, Las Animas, Mineral, Archuleta, Rio Grande, Conejos, Costilla, and Alamosa, in the State of Colorado.

[60 FR 16566, Mar. 31, 1995]

Subpart—Accounting and Collections

§ 948.200 Accounting and collections.

(a) Each handler's assessment account with Area No. 2 (San Luis Valley) Committee shall become due and payable upon presentation of a statement thereof to such handler.

(b) If settlement of such an assessment account is not completed on or before the 20th day following presentation of a statement of such account, each handler failing to so complete settlement of his account may be declared delinquent by said area committee.

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(c) The name of each person who is declared delinquent may be forwarded to the Secretary and, in addition, the names of persons declared delinquent pursuant to paragraph (b) of this section may be publicized by said area committee.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 948 (§§ 948.1 to 948.92).

[19 FR 8647, Dec. 17, 1954. Redesignated at 26 FR 12751, Dec. 30, 1961]

§ 948.215 Assessment rate.

On or after July 1, 2005, an assessment rate of \$0.02 per hundredweight is established for Colorado Area No. 3 potatoes.

[70 FR 36816, June 27, 2005]

§ 948.216 Assessment rate.

On and after September 1, 2003, an assessment rate of \$0.0051 per hundredweight is established for Colorado Area No. 2 potatoes.

[68 FR 53283, Sept. 10, 2003]

Subpart—Handling Regulations

§ 948.386 Handling regulation.

No person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section.

(a) *Minimum grade and size requirements.* (1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *All other varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight: *Provided,* That the Russet Burbank, Russet Norkotah, and Silverton Russet varieties shall be 1 $\frac{1}{8}$ inches minimum diameter.

(3) *All varieties.* Size B, if U.S. No. 1 grade.

(4) *All varieties.* 1-inch minimum diameter to 1 $\frac{3}{4}$ inches maximum diameter, if at least U.S. No. 1 grade.

(5) None of the above categories of potatoes identified in paragraphs (a)(1) through (a)(4) of this section may be

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commingled in the same bag or other container.

(b) *Maturity (skinning) requirements.* From August 25 through October 31 minimum maturity requirements shall be:

(1) *For U.S. No. 2 grade.* Not more than “moderately skinned.”

(2) *All other grades.* Not more than “slightly skinned.”

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to § 948.40(d) that each inspection certificate shall be valid for a period not to exceed five days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(3) Each handler who handles potatoes after such potatoes are regraded, resorted, or repacked shall have such potatoes reinspected, unless such handler has received a waiver from reinspection pursuant to rules established by the Secretary upon the recommendation of the committee.

(d) *Special purpose shipments.* (1) The grade, size, maturity, and inspection requirements of paragraphs (a), and (b), and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and “other processing” as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for experimentation, the manufacture or conversion into specified products, or for seed pursuant to section 948.6,